

Notice of Allowability

Application No.

09/420,692

Examiner

Jane Zara

Applicant(s)

BESTERMAN ET AL.

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 5-17-04.
2. ☒ The allowed claim(s) is/are 51-54.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1-13-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


KAREN A. LACOURCIERE, PH.D.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Zuccherro on or about 1-12-05.

The application has been amended as follows:

Please insert at the first line of the specification: This application claims benefit of the provisional application 60/104,804, filed 10-19-98.

Claims 1, 2, 3, 6 and 13 have been canceled and replaced with the following new claims:

Claim ~~51~~¹ (New) A method for inhibiting the expression of human DNA methyltransferase-1 in a cell comprising contacting the cell with an effective synergistic amount of an antisense oligonucleotide and an effective synergistic amount of 5-azacytidine or 5-aza-2'-deoxycytidine, wherein the oligonucleotide is up to 35 nucleotides in length and comprises MG88.

²
Claim ~~52~~ (New) A method for inhibiting the expression of human DNA methyltransferase-1 in a cell comprising contacting the cell with an effective synergistic amount of an antisense oligonucleotide and an effective synergistic amount of 5-aza-cytidine or 5-aza-2'-deoxycytidine, wherein the oligonucleotide is up to 35 nucleotides in length and comprises MG98.

³
Claim ~~53~~ (New) A method for inhibiting tumor growth in a human comprising administering to a human, which has a tumor in its body, a therapeutically effective synergistic amount of an antisense oligonucleotide and a therapeutically effective synergistic amount of 5-aza-cytidine or 5-aza-2'-deoxycytidine, wherein the oligonucleotide is up to 35 nucleotides in length and comprises MG88.

⁴
Claim ~~54~~ (New) A method for inhibiting tumor growth in a human comprising administering to a human, which has a tumor in its body, a therapeutically effective synergistic amount of an antisense oligonucleotide and a therapeutically effective synergistic amount of 5-aza-cytidine or 5-aza-2'-deoxycytidine, wherein the oligonucleotide is up to 35 nucleotides in length and comprises MG98.

The following is an examiner's statement of reasons for allowance: The antisense oligonucleotides, MG88 and MG98, comprise SEQ ID Nos: 1 and 2, respectively, and further comprise 2'-methoxyribose substituted nucleotides and

phosphorothioate internucleotide linkages in positions as described on page 41, line 21-
page 42, line 2 and page 48, lines 17-31 of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is **703-872-9306**. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is **(571) 272-0765**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, can be reached on (571) 272-0760. Any inquiry regarding

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this application should be directed to the patent analyst, Katrina Turner, whose telephone number is (571) 272-0564. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAREN A. LACOURCIERE, PH.D
PRIMARY EXAMINER